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OFFICE OF PETITIONS

In re Application of
Ralph F. Kalies
Application No. 10/608,265
Filed: June 27, 2003
Attorney Docket No. 036806-434

ON PETITION

This is in response to the Request for Reconsideration of Petition Under 37 CFR 1.47(b), filed March 1, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.

(5) proof of proprietary interest: and

(6) proof of irreparable damage.

Applicant lacks item (2) set forth above.

In response to the previous decision on petition, petitioner submitted a declaration with the instant petition. However, the declaration does not contain the full name, residence, post office address, and citizenship of the nonsigning inventor and signed by the assignee. While petitioner submitted an oath or declaration upon filing of the application that did contain the required information of the nonsigning inventor, that declaration was not signed by the assignee. MPEP 409.03(b) states in pertinent part:

“The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf.”

Again, an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 must be filed.

Further correspondence with respect to this matter should be addressed as follows:

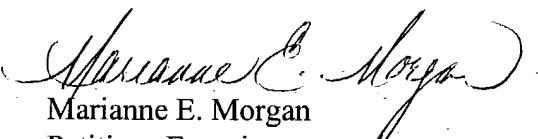
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Telephone inquiries should be directed to the undersigned at (703) 306-3475.



Marianne E. Morgan
Petitions Examiner
Office of Petitions
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for Patent Examination Policy